
EVALUATION OF THE DEFENSE PROTECTIVE SERVICE EXECUTIVE SUMMARY

Introduction. Following a request by the Chairman, Subcommittee on Military Readiness, Committee on National Security, U.S. House of Representatives, we conducted an evaluation of the Defense Protective Service (DPS). Our overall objective was to assess DPS' effectiveness and efficiency in accomplishing its law enforcement mission, including whether the law enforcement mission was well defined, and whether DPS' written policies, operating procedures, and training requirements were adequate. We also assessed perceived DPS personnel and training problems cited by the Chairman, specifically a lack of continuing training for DPS officers after graduation from the basic training academy; shortages of personnel causing significant overtime requirements; the use of DPS officers on overtime at non-Pentagon locations; and generally low employee morale. We announced our evaluation on June 2, 1997, and conducted the fieldwork during the period July 15, 1997 through March 6, 1998. On December 18, 1998, we issued this report in draft form for management comment. We specifically requested comments from the Director, Administration and Management, and from the General Counsel, Department of Defense.

Management Comments. We received comments from the Director, Administration and Management, on March 1, 1999, and from the General Counsel, Department of Defense, on April 12, 1999. The General Counsel concurred with all of our recommendations and advised that they provided an improved framework for the continued development of DPS management, training and operations. With the exception of two recommendations and a portion of a third recommendation, the Director, Administration and Management, also concurred. The Director did not agree with our recommendation to reclassify as GS-085 Security Guards those GS-083 Police Officers used to staff fixed posts on a nonrotating basis. For the reasons discussed in the final report (see Pages 38-39), we ask the Director to reconsider this nonconcurrence. The Director also disagreed with the portion of one recommendation that concerned establishing a DPS Board of Disciplinary Review to ensure equitable, timely adjudication of employee disciplinary matters. For the reasons discussed in the final report (see Pages 40-41), we accept the Director's nonconcurrence and have deleted this recommendation from the final report. Finally, the Director disagreed with our recommendation to have a standards of conduct office review the use of the DPS Color Guard at a church service in Towson, Maryland, on April 3, 1997. Since the Director personally made the determinations that our recommendation intended (see Page 41), we accept the Director's position and have deleted this recommendation from the final report. The management comments are reproduced as Appendix F to the final report.

Background. Effective October 1, 1987, the Administrator, General Services Administration (GSA) delegated authority for protecting the Pentagon Reservation to the

Department of Defense.¹ To carry out the new mission, DoD established DPS, a new organization within the Washington Headquarters Service (WHS). The Chief, DPS, currently manages DPS under delegations of authority from the Secretary of Defense down the chain-of-command through the Director, WHS, and the Director, Real Estate and Facilities. At the time of our fieldwork, DPS employed 298 people, including 234 police officers (GS-083), 10 security guards (GS-085), 4 criminal investigators (GS-1811); 33 security services personnel;² and 17 others (mostly administrative specialists).³

Review Results. In many respects, DPS has performed well in identifying its operational needs, adopting policies to meet those needs, and performing its overall mission. However, we identified numerous operational and management problems, many of which arise from questions in the key areas of roles, responsibilities, and authority. We also identified significant problems in the personnel and administration areas. Specifically, we found that:

- DPS has not clearly defined or articulated the specific law enforcement powers and authorities under which its officers perform duties on DoD and non-DoD properties. DPS also has not sufficiently outlined those law enforcement actions that its officers may take in the face of overlapping authorities with other Federal, state, and local law enforcement organizations. Further, DPS has not entered into operating agreements with other key law enforcement organizations establishing which law enforcement organization has primary responsibility for addressing specific crimes or crime contingencies. DPS officers, therefore, continue to risk exceeding their authority and subjecting both the Government and themselves to unnecessary liability.
- DPS has at least 30 police officers routinely assigned to fixed posts performing security guard functions. These positions meet the Office of Personnel Management classification standards for GS-085 Security Guards, rather than GS-083 Police Officers, and should be reclassified. Further, all DPS fixed posts could possibly be staffed with security guards.
- DPS requires its officers assigned to the Emergency Services Team (EST) to successfully complete strenuous physical fitness testing each quarter. An EST member who does not satisfactorily complete a quarterly physical fitness test is not allowed to remain an EST member. Similarly, to become a Master Patrol Officer, a DPS police officer must successfully complete the same physical fitness testing given to EST members. Once hired for or promoted into the position, however, a Master Patrol Officer is not required to meet a continuing physical fitness standard to remain in the position. Other DPS police officers, including Field Training Officers, are not subject to physical

¹ Subsequent legislation made the Secretary of Defense directly responsible for protecting the Pentagon Reservation, as well as all other DoD facilities in the National Capital Region.

² These employees fall under the Deputy Chief for Security Services and were not included in this evaluation (see Footnote 5).

³ In FY 1997, DPS was authorized to hire additional staff. Between September 5, 1997, and October 1, 1998, the number of DPS employees increased from 291 to 329. The number of police officers increased from 230 to 264, or about 15 percent.

fitness testing once they successfully complete basic training at the Federal Law Enforcement Training Center. We did not find any justification for DPS to use different physical fitness standards for Master Patrol Officers, Field Training Officers, and non-specialized police officers.

- DPS does not always allocate overtime to its employees in accordance with its stated policy.
- DPS' participation in a religious event held at Towson, Maryland, during April 3-5, 1997, appears to have been an unusual, isolated occurrence, but was contrary to requirements. Contrary to requirements in DoD Instruction 5410.19, DPS incurred costs for 50 overtime hours, for using a DPS van and police cruiser to complete round trips to Towson, and for using a DPS van to complete a round trip to Laurel, Maryland, the following week to retrieve DPS equipment. Further, although no personal gain or benefit can be identified as a result of DPS' participation in the Towson religious event, the Deputy Chief, DPS, acted contrary to 5 C.F.R. §2635.702 in using his official title to request a Government service for the benefit of his church.
- An employee survey that we conducted identified significant employee dissatisfaction with DPS management, pay, and the retirement program. The survey also identified divisions between supervisors and police officers, and between those who work primarily as police officers and those who work primarily as security guards. The survey also indicated racial and gender divisions and generally low employee morale overall.
- DPS does not comply adequately with the policies that govern its firearms program and has not established specific policy related to the specialized weapons utilized by its Emergency Services Team. Contrary to its own policies, DPS does not maintain a master inventory for weapons and cannot account for some of its weapons. Due to the manner in which DPS acquired and maintained its weapons, we could not determine the full extent to which DPS weapons may be missing, lost, or stolen.
- DPS does not have a suspense system and does not monitor its firearms qualification program to ensure that its officers meet the semiannual firearm qualification requirement. Further, we did not find any evidence that DPS officers were precluded from carrying firearms after they failed to requalify.
- DPS' general order that governs its evidence program focuses exclusively on patrol officers, requiring them to surrender evidence to a temporary storage container maintained by the Administrative Duty Officer. The general order does not address other DPS personnel, including criminal investigators. The general order also does not address security, access, or other standards for the evidence room; nor does it delineate procedures for controlling chain-of-custody or releasing evidence for prosecution, laboratory analysis, or final disposal. Further, the general order does not cover inspections, audits, or physical inventories to help control and protect evidence, and there is no record that DPS evidence has been subjected to physical inventory or audit.⁴

⁴ As discussed in Chapter D under heading 2. Collecting, Protecting, and Preserving Evidence, DoD policy and/or applicable standards require quarterly inspections, annual audits conducted by a supervisor not

While DPS performed evidence inspections in both 1994 and 1996, and identified numerous deficiencies in its procedures and standards for evidence, DPS management did not take corrective actions based upon the inspection findings.

- DPS management has not subjected the Criminal Investigations Section to strong management oversight to ensure that it produces meaningful, measurable results. Further, relevant information from criminal investigative reports is not routinely shared with appropriate DoD managers for use in formulating new or revised policy or for taking administrative or personnel actions. Overall, DPS criminal investigations have contributed only minimally to DPS' overall law enforcement efforts.

- DPS has a \$1,000 confidential fund and has adopted policy for maintaining and using the fund. DPS, however, has never used the fund and does not comply with its policy requirements governing the fund.

Summary of Recommendations. Due to significant DPS officer misunderstandings of their authority, we recommended that DPS revise and reissue General Order 1000.2, "Authority, Police Powers, and Jurisdiction," June 24, 1991, in plain language, delineating DPS officer authority and police powers, by location or property. We also recommended that DPS:

- execute operating agreements with other law enforcement organizations to resolve role, responsibility, and authority issues, especially in connection with potential terrorist or other significant contingencies, as well as in connection with day-to-day criminal investigative and law enforcement operations;

- complete training and take other actions as necessary to ensure that DPS officers fully understand their authority and powers;

- implement and ensure compliance with DoD's internal management control program and requirements;

- adopt and implement a strategic goals program;

- reclassify as GS-085 Security Guards those GS-083 Police Officer positions currently used to staff fixed posts on a nonrotating assignment basis and determine whether all DPS fixed posts should be staffed with GS-085 Security Guards;

- determine whether DPS police officers are properly graded based on actual duties and responsibilities for their positions;

- standardize DPS physical fitness requirements for non-EST police officers;

- ensure that supervisors who make overtime assignments do so equitably;

routinely or directly connected to the property control function, and an inventory whenever the person responsible for the function changes.

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- revise current policy for internal affairs investigations to require direct internal affairs reporting to the Chief, DPS, and an alternative reporting mechanism, such as to the Director, Real Estate and Facilities, WHS, when internal affairs allegations involve the Chief, DPS;
 - revise General Order 1300.10 to: identify specifically the types of community relations events that the honor guard may support; require these events to be selected in accordance with Federal law and DoD policy; set forth specific criteria for selecting and training team members, approving their participation in community events, and funding their participation; and include a follow-up reporting process that documents participation, costs, and the actual or anticipated Government benefits derived from the participation;
 - expand the agency's general orders to include policies and procedures for all DPS weapons, including specialized weapons not specifically assigned to individual officers, and specifically addressing the carrying of personal weapons on and off DoD properties in the National Capital Region;
 - expand the agency's general orders to include policies and procedures for handling Grand Jury information, including specific procedures for receiving, processing, safeguarding and disposing of such information in accordance with the protection accorded Grand Jury information under Rule 6(e) of the Federal Rules of Criminal Procedure;
 - standardize the accountability process for DPS weapons to conform with DoD policy, and complete an aggressive, thorough investigation to determine the total weapons for which DPS is accountable and the circumstances surrounding each missing or otherwise unaccounted weapon;
 - establish management processes and monitoring systems as necessary to prevent lapses in DPS officer firearm qualification testing and preclude firearms access to those officers who do not qualify or who are otherwise barred from carrying a weapon;
 - adopt and implement an evidence program prescribing needed standards and procedures, and require an immediate physical inventory of evidence in DPS' possession;
 - align actual evidence custodian duties and responsibilities with the position designated as having those duties and responsibilities;
 - issue policy for DPS criminal investigators that includes (1) criteria for initiating, continuing and suspending investigations, (2) sharing relevant information from investigative reports with appropriate DoD managers responsible for the personnel or property involved in DPS criminal investigations, and (3) procedures for identifying, collecting and reporting investigative case results;
 - identify a reasonable and appropriate caseload for a DPS criminal investigator and then adjust staffing for the Criminal Investigations Section accordingly;
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- either eliminate the current confidential fund and disburse the cash holdings, or issue guidance on properly using confidential funds and maintaining the account;
- implement a general order specifying procedures for scheduling and posting duty assignments, including rotation requirements;
- identify DPS customer and community needs through surveys and community relations programs;
- adopt an agency-wide goal of satisfying customer and community needs, and amend DPS general orders to incorporate and emphasize this new goal;
- formalize crime statistics development and reporting, based on collecting and analyzing DPS crime statistics and relevant statistics from other law enforcement organizations in the National Capital Region;
- establish formal guidelines for the DPS Shooting Board, including whether the Shooting Board has decision making or advisory authority, when it must be convened, criteria for its membership, and the coordination required with individual DPS operating elements, such as Internal Affairs;
- modify current general orders to include specific target times for completing internal affairs and related administrative actions and requiring documented reasons for delays;
- assign additional personnel to the Inspections Section and ensure they are trained in implementing inspections policy and adhering to policy requirements during inspections;
- ensure that senior managers give the inspections program higher priority and closer supervision, and act on inspection findings;
- consider relocating the Inspections Section to the Pentagon where the staff would be closer to most DPS personnel and, through better staff and management interaction, could better identify inspection needs; and
- amend General Order 1100.22, “Line Inspection,” November 10, 1992, establishing clear standards and procedures for file maintenance and retention, and management reporting.